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Attorneys for Virginia L. Drake,
Trustee of the Drake Revocable Trust

BEFORE THE CALIFORNIA STATE
WATER RESOURCES CONTROL BOARD

In Re:)	PETITION FOR REVIEW
)	(Requested to be held in Abeyance)
Virginia L. Drake, Trustee of the Drake)	California Regional Water Quality Control
Revocable Trust, James E. Simmons, Darwin)	Board—Central Valley Region, May 4,
H. and Nina R. Simmons, Trustees of the)	2006 Hearing, Administrative Civil Liability
Simmons Family Trust, and City of Chico)	Order No. R5-2006-034
)	
)	

TO ALL PARTIES AND THE ATTORNEYS OF RECORD IN THIS ACTION:

The following is a Petition for Review, filed on behalf of Virginia L. Drake, Trustee of the Drake Revocable Trust, to the State Water Resources Control Board for review of the California Regional Water Quality Control Board—Central Valley Region’s adoption of Administrative Civil Liability Order No. R5-2006-034.

1. **Petitioner's Name and Address** (23 Cal. Code Regs. §2050 (a)(1))

Virginia L. Drake, Trustee
Drake Revocable Trust
P.O. Box 1448
Chico, CA 95927

2. **Specific Action to be Reviewed** (23 Cal. Code Regs. §2050(a)(2))

Issuance of Administrative Civil Liability Order No. R5-2006-34, a copy of which is attached hereto as Exhibit “A.”

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1 **3. Date of Regional Board Action** (23 Cal. Code Regs. §2050(a)(3))

2 The Regional Water Quality Control Board adopted the above-referenced Administrative
3 Civil Liability Order No. R5-2006-034 on May 4, 2006.

4 **4. Statement of Reasons** (23 Cal. Code Regs. §2050 (a)(4))

5 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
6 §2050.5 and reserves the right to supplement this Petition for Review with submission of a
7 statement of reasons.

8 **5. Manner in Which Petitioner is Aggrieved** (23 Cal. Code Regs. §2050 (a)(5))

9 See No. 4 above.

10 **6. Specific Action Requested** (23 Cal. Code Regs. §2050(a)(6))

11 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
12 §2050.5 and reserves the right to request review.

13 **7. Statement of Points and Authorities** (23Cal. Code Regs. §2050 (a)(7))

14 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
15 §2050.5 and reserves the right to submit a statement of points and authorities.

16 **8. Regional Board Notification** (23 Cal. Code Regs. §2050(a)(8))

17 A copy of this petition has been sent to the Regional Water Quality Control Board and
18 the other dischargers named in the order. (Exhibit "B.")

19 **9. Statement of Substantive Issues and Objections** (23Cal. Code Regs. §2050(a)(9))

20 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
21 §2050.5 and reserves the right to assert the substantive issues and objections raised prior to the
22 time of the hearing.

23 **10. List of Persons**

24 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
25 §2050.5 and reserves the right to provide a list of persons known to have an interest in the
26 subject matter of the petition.

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11. **Record Request**

Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs. §2050.5 and reserves the right to request that the Regional Water Quality Control Board prepare the record.

PETITIONER HEREBY REQUESTS that this matter be held in abeyance until further notice. Petitioner reserves the right to request a hearing to present evidence available that was not considered by the Regional Board or was improperly excluded or otherwise not considered.

Dated: May 31, 2006

Respectfully submitted,

LAW OFFICES OF JEFFORY J. SCHARFF

By: _____/s/
Jeffory J. Scharff, Esq.
Attorney for Virginia L. Drake, Trustee
Drake Revocable Trust

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1 **PROOF OF SERVICE**

2 I, Karen Johnson, declare as follows:

3 I am at least 18 years of age and not a party to this action. I am employed by the Law
4 Offices of Jeffory Scharff in the County of Sacramento. My business address is 2625 Fair Oaks
5 Boulevard, Suite 7, Sacramento, California, 95864. I am readily familiar with this firm's practice
6 for collection and processing of correspondence for mailing with the United States Postal
7 Service.

8 On May 31, 2006, I served the attached: **PETITION FOR REVIEW (Requested to be**
9 **held in Abeyance) California Regional Water Quality Control Board—Central Valley**
10 **Region, May 4, 2006 Hearing, Administrative Civil Liability Order No. R5-2006-034** by
11 following ordinary business practice, placing a true a copy thereof enclosed in a sealed envelope
12 for collection and mailing with the United States Postal Serve where it would be deposited for
13 first class delivery, postage fully prepaid, in the United State Postal Service that same day in the
14 ordinary course of business, addressed as follows.

15 I declare under penalty of perjury pursuant to the laws of the state of California that the
16 foregoing is true and correct and that this declaration was executed on May 31, 2006, at
17 Sacramento, California.

18 _____/s/_____
19 Karen Johnson

20 Elizabeth Miller Jennings
21 Senior Staff Counsel
22 State Water Resources Control Board
23 Office of Chief Counsel
24 P. O. Box 100
25 Sacramento, CA 95812-0100

26 Randall Nelson, Esq.
27 Carr, Kennedy, Peterson & Frost
28 420 Redcliff Drive
Redding, CA 96002

Attorneys for Darwin H. and Nina R.
Simmons, Trustees Simmons Family Trust;
James E. Simmons

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9	Frances McChesney, Esq.	David Boyers, Esq.
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